IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

MFA.No. 1224 of 2000()

AGAINST THE JUDGMENT IN OP(MV).1380/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUD. DT.30.6.2000.

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APPELLANTS/ PETITIONERS
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1. **MATHAI, S/O. THOMMAN,**
   62 YEARS, VATHIYAPPILLIL HOUSE,
   SOUTH MARADY KARA,
   VARADY VILLAGE,
   MUVATTUPUZHA TALUK.

2. **ALEYAMMA W/O. MATHAI DO. DO.**

3. **SAFY, W/O. LATE JOY MATHEW, AGED 39 YEARS, DO. DO.**

4. **JORPHIN, D/O. LATE JOY MATHEW,**
   AGED 8,(MINOR) (THE 3RD AND 4TH APPELLANTS ARE NOW RESIDING AT QATAR AND THEY ARE REP.BY POWER OF ATTORNEY HOLDER T.Y.VARKEY,
   THEKKUMKUDIYIL KOTTAPPADY,
   KOTHAMANGALAM)

BY ADV. SRI.P.V.BABY

RESPONDENTS: RESPONDENTS
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1. **P.V.MARKOSE, S/O. VARGHESE,**
   PUTHIAKUNNEL HOUSE,
   MARADY KARA, MARADY
   VILLAGE, MUVATTUPUZHA TALUK.

2. **CHACKO MATHAI, S/O.M.CHACKO,**
   PERUMBAMDUDIYIL HOUSE,
   PINDIMANA, KOTHAMANGALAM.

3. **THE ORIENTAL INSURANCE CO. LTD.,**
   KOTHAMANGALAM.

BY ADV. SRI.ALEXANDER JOSEPH - R2
SRI.P.V.JYOTHI PRASAD - R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.F.A. No. 1224 of 2000

Dated this the 4th day of June, 2007

Judgment

Koshy, J.

Husband of the third appellant, while travelling as a passenger in an ambassador car bearing registration No. KCE 5454, met with an accident due to the negligence of the first respondent driver of the car. Dependents claimed compensation. The deceased was aged only 33 years. According to the claimants, he was employed as Manager of a firm at Doha, Qatar and was getting an amount of Rs.40,000/- per month and claimed compensation of Rs.15 lakhs. Even though details regarding employment was proved, tribunal took the view that those documents were not proved and also was of the opinion that there is no evidence to prove the monthly income. However, the tribunal has taken Rs.4,000/- as the monthly contribution to the family and calculated compensation. The tribunal has taken 10 as the multiplier even though deceased was aged only 33 years at the time of death and his wife was much younger and there is a minor child apart from parents. It has come out in

evidence that wife of the deceased was also employed abroad and the Supreme Court in various cases held that even though multiplier has to be fixed in accordance with the second schedule, if the multiplicand is very high rates, a similar rate of multiplier can be taken. The tribunal considered the interest aspect also and total compensation awarded was Rs.4,24,250/- with 12% interest from the date of application. The application was filed in 1994 and award was passed only on 30-6-2000. Considering the total amount granted and rate of interest granted, we are of the opinion that just and reasonable compensation was awarded and no interference is required. Appeal dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.F.A.NO.1224/2000

JUDGMENT

Dated:4th June, 2007